

JAMESTOWN CITY COUNCIL
REGULAR MEETING, APRIL 7, 2008
OFFICIAL MINUTES

The regular meeting of the City Council was called to order by Mayor Liechty at 5:00 P.M.

Roll Call showed the following members present: Mayor Liechty, Council Members Schulz, Heinrich and Grabinger, and City Administrator Fuchs. Absent: Council Member Parisien and City Attorney Dalsted.

Council Member Heinrich moved to approve the minutes of the following meetings, as printed:

- A. Minutes of the regular council meeting, March 3, 2008
- B. Minutes of the special council meeting, March 7, 2008
- C. Minutes of the special council meeting, March 27, 2008
- D. Minutes of the committee meeting, March 25, 2008
- E. Minutes of the committee meeting, March 27, 2008

Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

A bid was received for the sale of an impounded and abandoned vehicle from Dennis Anderson.

Council Member Heinrich moved to approve the following consent items

- A. Resolution to approve the request from Champ Industries USA, Inc. for <\$25,000 in PACE match funding loan and <\$25,000 in a New Jobs Training Funds Loan from Economic Development Funds, with the City Share to be \$40,000 and paid for from the City Sales Tax Fund.
- B. Resolution to direct the City Administrator, City Attorney and Civic Center Director to work with the Central Valley Health District concerning the request that the City of Jamestown enter into an addendum to the current agreement with the District allowing the Jamestown Civic Center to be used as a Minimum Care Facility in the event of a pandemic and report back to the April Finance & Legal committee meeting.
- C. Resolution to recommend that the Stutsman County Commission deny the request of Virgil & Sheryl Dagman for an abatement for tax year 2007, on Unit 909, Maple Acres, by reducing the true & full value from \$77,100 to \$64,500.
- D. Resolution to grant the request from Ozark Spirits LLC dba Wal-Mart Supercenter #1649 for a Class C off-sale alcoholic beverage license.
- E. Resolution to approve the request from Bernie Satrom to move a 16'X 24' garage from 1305 3rd Avenue NW to 323 3rd Avenue NW.
- F. Resolution to authorize the Police Chief to purchase a new 2008 Dodge Charger at a cost of \$24,346.00.
- G. Resolution to award the bid for a new 1 Ton 4x4 Single Rear Wheel Truck (Cab & Chassis) for the Water Department to R. M. Stoudt, Inc., in the amount of \$33,939.00, less \$13,300.00 on the trade-in unit, for a net bid price of \$20,639.00.
- H. Resolution to award the bid for a new 4 Wheel Drive Mower Tractor for the Street Department to Jamestown Implement Company, in the amount of \$29,300.00 less \$2,500.00 on the trade-in, for a net bid price of \$26,800.00.
- I. Resolution to allow the funding relating to receipts and disbursements of the Hanging Flower Baskets Program to be accounted for through the City accounting system.
- J. Resolution to enter into an Engineering Agreement with Interstate Engineering, Inc., to provide storm water improvement options and an opinion of probable costs relating to the former Strankowski property, in an amount not to exceed \$18,000.00.
- K. Resolution to place on the general city election ballot June 10, 2008, the question of establishing a Local Advisory Study Committee.
- L. Resolution to approve the performance bond of GATR of Sauk Rapids, Inc., for a New Single Axle Truck (Cab & Chassis) for the Street Department, in the amount of \$37,943.00.
- M. Resolution to approve the performance bond of Schumacher Construction, Inc., on the Fire & Police Department Cold Storage Building and Removal of Existing Fire Damaged Cold Storage Building, in the amount of \$96,107.00.

- N. Resolution to approve Change Order No. 1, to Schumacher Construction, Inc., on the Fire & Police Department Cold Storage Building and Removal of Existing Fire Damaged Cold Storage Building, for a net increase in the contract price of \$850.00.
- O. Resolution to approve Payment No. 2, to Interstate Engineering, Inc., for engineering services on the Solid Waste Permit Renewal #0213, Municipal Solid Waste Landfill, in the amount of \$6,481.00.
- P. Resolution to approve Payment No. 3, to Interstate Engineering, Inc., for engineering services on various city department consultations, in the amount of \$6,930.00.
- Q. Resolution to allow Estimate No. 26 & Final, to Interstate Engineering, Inc., for engineering services on Lift Station Replacement, Phase II, Master Lift Station, Sewer Improvement District #03-31, CWSRF No. 380808, in the amount of \$2,602.58.
- R. Motion to accept the reports of the Municipal Judge, Police Department, Fire Department, Public Works Departments, Inspection Department, Forestry Department, Promotion and Tourism Center, Central Valley Health Unit, Jamestown Safe Community Task Force, and financial status.
- S. Resolution to allow the March indebtedness in the amount of \$1,960,627.12 consisting of \$340,775.60 payroll and \$1,619,851.52 general obligations.

Seconded by Council Member Grabinger. Consent Roll Call No. 1 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to select Option Set 1 from the Quiet Zone Assessment Study and to place the question of establishing a Quiet Zone within the city, to be financed with a city wide special assessment, on the general city election ballot, June 10, 2008. Seconded by Council Member Grabinger. Roll Call No. 2 showed: 4 ayes, 0 nays, 1 absent. Carried.

City Attorney Dalsted seated himself.

A public hearing was held to consider the application of Heritage Living Centre, Inc., for property tax relief on the project which the applicant will use in the operation of a three story, 17 unit assisted living complex.

Tim Burchill, Administrator at Central Dakota Village, appeared before the Council to reviewed the history of the present facilities, current numbers on their waiting list, and the need for an additional assisted living facility.

Council Member Heinrich moved to close the hearing. Seconded by Council Member Schulz. Unanimous aye vote. Carried.

Council Member Heinrich moved a Resolution to approve the application of Heritage Living Centre, Inc., 421 18th Street NE, Jamestown, ND 58401, for property tax incentives under NDCC Chapter 40-57.1 to provide for the following: A five (5) year 100% property tax exemption for Years 2009 through 2013; and a five (5) year payment in lieu of taxes in the following amounts: Year 2014 - \$23,957.00; Year 2015 - \$25,155.00; Year 2016 - \$26,413.00; Year 2017 - \$27,733.00; and Year 2018 - \$29,120.00, for the construction of a three (3) story, seventeen (17) unit assisted living facility, at 421 18th Street NE, Jamestown, ND, Lot 2, Replat of Central Dakota Nursing Home Addition. Seconded by Council Member Schulz.

Roll Call No. 3 showed: 3 ayes (Liechty, Schulz and Heinrich), 1 nay (Grabinger), 1 absent. Carried.

The City Council recessed for five minutes.

Council Member Schulz moved a Resolution to approve the request from the TBR, Inc., for a permit to conduct street dances on Saturday, June 28, 2008, and Saturday, July 5, 2008, on 2nd Street NW between 1st Ave. North and 2nd Ave. NW. Seconded by Council Member Heinrich. Roll Call No. 4 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Heinrich moved a Resolution to authorize the City Administrator to make application for a Section 5311 grant for Jamestown Taxi Service for the fiscal year 7/1/08-6/30/09. Seconded by Council Member Schulz. Roll Call No. 5 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning Seal Coat, Patching, Construction and Reconstruction District #08-41 protests and the sufficiency thereof. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Grabinger moved a Resolution that the protests have been found to be insufficient to bar proceeding with Seal Coat, Patching, Construction and Reconstruction District #08-41. Seconded by Council Member Schulz. Roll Call No. 6 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Grabinger moved a Resolution to award the bid to Border States Paving, Inc., for Seal Coat, Patching, Construction and Reconstruction District #08-41, in the amount of \$1,613,881.06. Seconded by Council Member Heinrich. Roll Call No. 7 showed: 4 ayes, 0 nays, 1 absent. Carried.

A public hearing was held concerning the request from Heritage Centre of Jamestown, Inc., for authorization to issue Municipal Industrial Development Bonds, in an amount not to exceed \$3,500,000, to finance the construction of a three-story, 17 unit assisted living facility for the elderly together with five garages and functionally related facilities, and to refinance the outstanding Congregate Housing Refunding Revenue Bonds Series 1998. No one appeared to object and no written protests were received. The hearing was closed.

Council Member Grabinger moved to approve a Resolution authorizing the issuance of Assisted Living Facilities Revenue Bonds (Heritage Centre of Jamestown, Inc., Project) Series 2008, in an amount not to exceed \$3,500,000.00. Seconded by Council Member Schulz. Roll Call No. 8 showed: 4 ayes, 0 nays, 1 absent. Carried.

Ordinance No. 1338, introduced by Mayor Liechty, to amend and re-enact Section 21-02-10 and any other sections of the Code of the City of Jamestown, North Dakota, pertaining to traffic fees, had its second reading. Seconded by Council Member Schulz. Roll Call No. 9 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved a Resolution to award the bid for the sale of an abandoned and impounded vehicle (1997 Oldsmobile, VIN 1G3NL52T7VM322488) to Dennis Anderson, in the amount of \$626.00. Seconded by Council Member Schulz. Roll Call No. 10 showed: 4 ayes, 0 nays, 1 absent. Carried.

Mayor Liechty moved to appoint Lance Brower and Neil "Tex" Weatherly to serve as members of the Shade Tree Committee for three year terms to expire April 2011. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

Council Member Grabinger moved a Resolution to approve the request from Buffalo Lanes, Inc., d/b/a Buffalo Lounge, for a permit to conduct a street dance on Saturday, June 7, 2008, from 8:00 PM to 12:00 Midnight, in the Buffalo Lanes & Lounge parking Lot and alley. Seconded by Council Member Schulz. Roll Call No. 11 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve the request from Buffalo Lanes, Inc., d/b/a Buffalo Lounge, for a permit to conduct a dance on Thursday, July 3, 2008, from 8:30 PM to 12:00 Midnight, in the Jamestown Civic Center parking lot. Seconded by Council Member Heinrich. Roll Call No. 12 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request from Buffalo Lanes, Inc., d/b/a Buffalo Lounge, for a permit to dispense alcoholic beverages for the 125th Anniversary Dance on Thursday, July 3, 2008. Seconded by Council Member Grabinger. Roll Call No. 13 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Heinrich moved a Resolution to approve the request from Jamestown College for a site authorization to conduct gaming at the Jamestown Civic Center for the period 7/1/07 thru 6/30/08, subject to City Attorney approval. Seconded by Council Member Grabinger. Roll Call No. 14 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Grabinger moved to adopt the following Resolutions relative to the Louis L'Amour Elementary School SRTS (Safe Routes to School) Sidewalk Improvements, Project No. SRU-2-987(030)034:

- 1) To direct Interstate Engineering, Inc., to prepare plans and specifications for the project.
- 2) To accept and approve the plans and specifications, as prepared by Interstate Engineering, Inc.
- 3) To direct the City Administrator to advertise for bids for the construction of the project.

Seconded by Council Member Schulz. Roll Call No. 15 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved a Resolution to approve and grant the request of Ducks Unlimited, Inc., for a gaming site authorization at the Gladstone Inn/Shadys on May 7, 2008. Seconded by Council Member Grabinger. Roll Call No. 16 showed: 4 ayes, 0 nays, 1 absent. Carried.

Council Member Schulz moved to adjourn. Seconded by Council Member Grabinger. Unanimous aye vote. Carried.

ATTEST:

APPROVED:

JEFF FUCHS, City Administrator

CLARICE LIECHTY, Mayor